

**REMARKS**

Claims 1-4, 6-12, 14-17 and 19-29 are all the claims pending in the application.

**I. Formalities**

Applicant thanks the Examiner for initialing and returning copies of the forms PTO-1449 submitted with the Information Disclosure Statements filed on March 14 and August 3, 2005.

**II. Claim Rejections - 35 USC § 112**

The Examiner has rejected claims 26-29 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant submits that the modifications to the claims obviate the rejection.

**III. Claim Rejections - 35 USC § 101**

The Examiner has rejected claims 17, 19-21 and 24 under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

Applicant submits that the modifications to the claims obviate the rejection.

**IV. Claim Rejections - 35 USC § 103**

The Examiner has rejected claims 1, 10, 11, 17 and 25 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Bergenek *et al.* (US 6,241,288) ["Bergenek"] and Suzaki *et al.*, (JP 2000-194854) ["Suzaki"]. For at least the following reasons, Applicant traverses the rejection.

As a general overview, Applicant submits that non-limiting features of this invention are that collating is performed on a plurality of fingerprint images selected from a plurality of first

fingerprint images inputted from a terminal with one or more second fingerprint image(s) stored in a device, and that fingerprint identification is conducted based on a plurality of collating results with respect to the plurality of fingerprint images. The selection of the plurality of fingerprint is based on image quality, and non-limiting examples of collation may be one to one and one to N matching. Therefore, by using a plurality of fingerprint images, the results of the collation will be successful even if the quality of each of the first fingerprint images is poor.

Turning to the specifics of the claim language, claim 1 recites a fingerprint identification system that comprises “...fingerprint identification device [that]...selects a plurality of fingerprint images from said plurality of first fingerprint images based on said information of said image quality, collates said feature vector data of a plurality of said selected fingerprint images with feature vector data of one or more second fingerprint images stored in a fingerprint data base, obtains a plurality of collating results for said plurality of collated fingerprint images, and conducts fingerprint identification determination based on said plurality of collating results for said plurality of collated fingerprint images.” The Examiner contends that col. 16, line 24, to col. 17, line 7, of Bergenek discloses the claimed obtaining of a plurality of collating results and the claimed fingerprint identification based on the plurality of collating results.

Applicant submits that this section merely describes the comparison of a candidate image with a database. Applicant submits that Bergenek does not disclose obtaining a plurality of collating results and conducting fingerprint identification based on the plurality of collating results.

Suzaki does not cure this deficiency. Applicant submits that merely discloses comparison of images starting from the highest quality input image and that comparison is stopped when successful. Therefore, Suzaki also does not disclose the claimed obtaining of a plurality of collating results and the claimed fingerprint identification based on the plurality of collating results.

In addition, the system in sSuzaki is designed to match on the first image, which is the highest quality image. Therefore, Suzaki arguably teaches away from obtaining a plurality of collating results and identifying a fingerprint based on the plurality of collating results.

Accordingly, Applicant submits that Bergenek and Suzaki (taken alone or in combination) do not teach at least the claimed obtaining of a plurality of collating results and the claimed fingerprint identification based on the plurality of collating results as set forth in claim 1.

Because independent claims 10, 17 and 25 recite features similar to those given above with respect to claim 1, Applicant submits that claims 10, 17 and 25 are patentable at least for reasons similar to those given above with respect to claim 1.

Applicant submits that claim 11 is patentable at least by virtue of its dependency on claim 10.

In addition, with respect to claim 11, Applicant submits that the Examiner has no authority to take "Official Notice" with respect to the subject matter of claim 11. See 37 C.F.R. § 1.104. See also MPEP at 2100-136 ("assertions of technical facts ... must always be supported by citation to some reference work recognized as standard in the pertinent art.").

The Examiner has rejected claims 8, 15, 20, 22-24, 26 and 28 under 35 U.S.C. § 103(a) as being unpatentable over Bergenek in view of Suzaki and Yamaguchi (EP 0797170) ["Yamaguchi"]. For at least the following reason, Applicant traverses the rejection.

Because Yamaguchi does not cure the deficient teachings of Bergenek and Suzaki given above with respect to claims 1, 10, 17 and 25, Applicant submits that claims 8, 15, 20, 22-24, 26 and 28 are patentable at least by virtue of their respective dependencies.

In addition, claim 22, by virtue of its dependency on claim 1, recites that the "fingerprint identification device selects a plurality of fingerprint images from said plurality of first fingerprint images [obtained more than once for one finger] according to said image quality in an order starting from highest quality image." The Examiner concedes that Bergenek and Suzaki do not disclose this feature but applies Yamaguchi to allegedly cure the deficiency.

Yamaguchi discloses a method of registering fingerprints by checking the average number of pseudo minutiae in registering windows and registering the fingerprint when the average number is equal to or below a threshold number, which indicates a good fingerprint (col. 14, line 52, to col. 15, line 2). If the average number is above the threshold, the system in Yamaguchi selects another finger to register, and if all the fingers are above the threshold level, the best finger (finger with lowest average pseudo minutiae) is selected (see col. 15, lines 3-16). There is no disclosure or suggestion in Yamaguchi that the remaining fingerprints are registered (selected) in order of quality, only that the best fingerprint is registered. In addition, Yamaguchi discloses that a fingerprint of each finger is taken, not multiple fingerprints of one finger.

Accordingly, Bergenek in view of Suzaki and Yamaguchi do not disclose the claimed selection of fingerprint images obtained more than once for one finger according to image quality in an order starting from highest quality as set forth in claim 22 by virtue of its dependency on claim 1.

Because claims 23, 24 and 26 recite features similar to those given above with respect to claim 22, Applicant submits that these claims are patentable for at least reasons similar to those given above with respect to claim 22.

**V. Allowable Subject Matter**

Applicant thanks the Examiner for finding allowable subject matter in claims 2-4, 6-7, 9, 12, 14 and 16 and for indicating that these claims would be allowable if rewritten in independent form.

Applicant also thanks the Examiner for indicating that claims 27 and 29 would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112, 2nd paragraph, and to include all of the limitations of the base claim and any intervening claims.

Applicant holds rewriting these claims in abeyance until the subject matter regarding their respective base claims is resolved. Applicant submits that the modifications to claims 27 and 29 overcome the §112 rejection.

**VI. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

AMENDMENT UNDER 37 C.F.R. § 1.116  
Application No.: 10/055,926

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Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

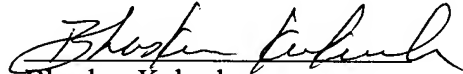
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